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9 **BEFORE THE**  
**BOARD OF PHARMACY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 4300

12 **CHRISTOPHER RYAN TISHER**  
13 **10173 Creek Trail Circle**  
**Stockton, CA 95209**

**A C C U S A T I O N**

14 **Intern Pharmacist Registration No. 24927**

15 Respondent.

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17 Complainant alleges:

18 **PARTIES**

19 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity  
20 as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs.

21 2. On or about October 7, 2009, the Board issued Intern Pharmacist Registration  
22 Number 24927 to Christopher Ryan Tisher (Respondent). The Intern Pharmacist Registration  
23 was in full force and effect at all times relevant to the charges brought herein and will expire on  
24 October 31, 2013, unless renewed.

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3. This Accusation is brought before the Board of Pharmacy (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

Section 4022 provides:

"Dangerous drug" or "dangerous device" means any drug or device unsafe for self-use in humans or animals, and includes the following:

(a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without prescription," "Rx only," or words of similar import.

(b) Any device that bears the statement: "Caution: federal law restricts this device to sale by or on the order of a \_\_\_\_\_," "Rx only," or words of similar import, the blank to be filled in with the designation of the practitioner licensed to use or order use of the device.

(c) Any other drug or device that by federal or state law can be lawfully dispensed only on prescription or furnished pursuant to Section 4006.

4. Section 4060 provides in relevant part:

No person shall possess any controlled substance, except that furnished to a person upon the prescription ..... .

5. Section 4301 provides in relevant part:

“The board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been procured by fraud or misrepresentation or issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:

(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or corruption, whether the act is committed in the course of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not.

(j) The violation of any of the statutes of this state, of any other state, or of the United States regulating controlled substances and dangerous drugs.

(1) The conviction of a crime substantially related to the

1 qualifications, functions, and duties of a licensee under this  
2 chapter. The record of conviction of a violation of ..... the statutes of  
3 this state regulating controlled substances or dangerous drugs shall  
4 be conclusive evidence of unprofessional conduct. ....A plea or  
5 verdict of guilty or a conviction following a plea of nolo contendere  
6 is deemed to be a conviction within the meaning  
7 of this provision.

8 (o) Violating or attempting to violate, directly or indirectly, or  
9 assisting in or abetting the violation of or conspiring to violate  
10 any provision or term of this chapter or of the applicable federal  
11 and state laws and regulations governing pharmacy, including  
12 regulations established by the board or by any other state or federal  
13 regulatory agency.

14 (p) Actions or conduct that would have warranted denial of a  
15 license.”

16 6. Section 490 of the Code provides, in pertinent part, that a board may suspend or  
17 revoke a license on the ground that the licensee has been convicted of a crime substantially  
18 related to the qualifications, functions, or duties of the business or profession for which the  
19 license was issued.

20 7. Section 493 of the Code provides in relevant part that a proceeding conducted by a  
21 board to deny an application for a license or to suspend or revoke a license, upon the ground that  
22 the applicant or the licensee has been convicted of a crime substantially related to the  
23 qualifications, functions, and duties of the licensee in question, the record of conviction of the  
24 crime shall be conclusive evidence of the fact that the conviction occurred. As used in this section,  
25 'license' includes 'certificate,' 'permit,' 'authority,' and 'registration.'

### 26 CONTROLLED SUBSTANCES

27 8. “Oxycodone” is designated a Schedule II substance by Health and Safety Code  
28 section 11055(b)(1)(M).

29 9. “Morphine” is designated a Schedule II substance by Health and Safety Code  
30 section 11055(b)(1)(L).

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1 **COSTS**

2 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
3 administrative law judge to direct a licensee found to have committed a violation or violations of  
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
5 enforcement of the case.

6 **I.**

7 **FACTUAL ALLEGATIONS**

8 11. On October 17, 2011 Respondent was working as an intern pharmacist at a pharmacy  
9 under the supervision of two licensed pharmacists. One of the pharmacists filled prescriptions for  
10 Morphine ER 100 mgs and 200 mgs. The prescriptions were left on the counter while the  
11 pharmacist stepped away for moment. When the pharmacist returned, one of the morphine  
12 prescription bottles was missing and Respondent was no longer present.

13 12. When Respondent returned to the pharmacy he was questioned by the pharmacist  
14 who asked to look in Respondent's car. Respondent permitted the pharmacists to look in his car.  
15 The search of Respondent's car revealed loose pills in the glove box identical to the pills in the  
16 missing bottle and the missing prescription bottle was under a seat in Respondent's vehicle.

17 13. The pharmacists confronted Respondent who admitted taking the pills for personal  
18 use. Respondent later admitted to Complainant's investigator that he had taken ten (10) to fifteen  
19 (15) tablets of Oxycodone from the pharmacy without lawful prescription the week prior to taking  
20 the morphine.

21 14. On or about November 23, 2011, in a case captioned "*The People of the State*  
22 *of California v. Christopher Tisher*", San Joaquin County Superior Court No. SP11-36265,  
23 Respondent was convicted by his plea of no contest to a charge of possession of a controlled  
24 substance in violation of Health and Safety Code section 11350(A).

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1 II.

2 **CAUSES FOR DISCIPLINE**

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Conviction of a Crime)**

5 15. Respondent is subject to disciplinary action for unprofessional conduct pursuant to  
6 sections 490 and 4301(l) based on his conviction for possession of controlled substances. The  
7 circumstances are as follows:

8 16. Paragraph 14 is incorporated herein as though set forth at length. Respondent's  
9 conviction for possession of controlled substances in violation of section 11350(A) is a crime  
10 substantially related to the duties and responsibilities of a licensed intern pharmacist within the  
11 meaning of sections 490 and 4301(l).

12 **SECOND CAUSE FOR DISCIPLINE**

13 **(Unprofessional Conduct-Corrupt Acts)**

14 17. Respondent is subject to disciplinary action for unprofessional conduct pursuant to  
15 section 4301(f) for theft of controlled substances. The circumstances are as follows:

16 18. Paragraphs 11 to 14 are incorporated herein as though set forth at length. On or  
17 about October 17, 2011 and the week preceding that date, Respondent removed from the  
18 pharmacy for personal use and without authorization or prescription, ten (10) to fifteen (15)  
19 tablets of Oxycodone and 60 tablets of Morphine Sulfate ER while working in the capacity of an  
20 intern pharmacist. By taking and removing the controlled substances without authorization or  
21 lawful prescription, Respondent committed corrupt and/or dishonest acts within the meaning of  
22 section 4301(f).

23 **THIRD CAUSE FOR DISCIPLINE**

24 **(Unprofessional Conduct-Unlawful Possession Controlled Substances)**

25 19. Respondent is subject to disciplinary action for unprofessional conduct pursuant to  
26 sections 4301(j) and (o) for possession of controlled substances and dangerous drugs. The  
27 circumstances are as follows:

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20. Paragraphs 11 through 14 are incorporated herein as though set forth at length. On or about October 17, 2011, Respondent possessed 60 tablets of Morphine Sulfate ER without authorization or lawful prescription. Respondent unlawfully possessed a controlled substance and dangerous drug within the meaning of section 4301(j) and (o).

## PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Pharmacy issue a decision:

1. Revoking or suspending Intern Pharmacist Registration Number 24927, issued to Christopher Ryan Tisher;

2. Ordering Christopher Ryan Tisher to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED:

5/28/12

Virginia Held

VIRGINIA HEROLD  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
*Complainant*

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